

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

REMARKS

The following is submitted to clarify the record as to the applicants' election of claims pursuant to the Examiner's restriction requirement.

The Examiner stated in the initial restriction requirement that claims 1-6 will be examined together with one of the following product groups I-III:

I. Claims 7-11, 15-18, drawn to peptides of formula 1 having a cyclized moiety and their compositions, classified in class 530, subclass 317;

II. Claims 12, 19, drawn to peptides of formula 3 having a cyclized moiety and their compositions, classified in class 530, subclass 317;

III. Claims 13, 20, drawn to peptides of formula 4 having a cyclized moiety and their compositions, classified in class 530, subclass 317.

In the response submitted on November 16, 2001, Applicants elected, with traverse, the group II claims, i.e., claims 12 and 19. In that response, these claims were cancelled and represented as new claims 30 and 38. These claims are specifically directed to a backbone-cyclized peptide analog having IL-6 antagonist activity having the general structure of formula 3.

The Examiner noted that claims 1-6 would be examined with the elected claims, i.e., claims 30 and 38. In addition, claim 29 is generic to claim 30; claim 32 is generic to claim 37, which in turn is generic to claim 38, so that at least claims 1-6, 29-30, 32 and 37-38 should be examined at this time.

Applicants note that, since claims 1 and 32 are generic, claims 7-11, 31, 33-36 and 39 are maintained in the application as currently withdrawn, but these claims will be

allowable to the extent that they depend from an allowable base claim.

The Examiner further objects to Applicants' election of compound 70003-20. Specifically, the Examiner objects to Applicants' statement that claims reading on said compound are 1-6, 29-32 and 37-39. Applicants respectfully point out that this is a correct listing of the claims reading on that compound. But the current claims reading on this compound should only be 1-6, 30-31, 32 and 37-38.

Applicants apologize for any confusion caused by the previous comments. The previous response was made based on the recognition that the "inventions" of Groups I - III are all peptides, so that the restriction should have been made as a species restriction, rather than one based on separate and distinct inventions. The generic claims that are present link the peptides defined by the elected structural formula with those defined by the other formulas.

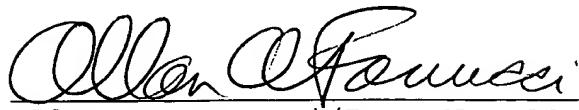
The Examiner further states that the elected species are not encompassed by the claims drawn to cyclic tetrapeptides which are not drawn to peptides wherein R2 is LysC3, R5 is AsnN2, as in the elected compound 70003-20. Applicants respectfully traverse.

Claims 30 and 38 which are directed to a backbone cyclized peptide analog having the general formula 3, and a pharmaceutical composition containing the same, respectively, explicitly teach that R2 can be Lys, and that R5 can be Asn. Applicants respectfully point to the Examiner that "C3" and "N2" as appear in compound 70003-20 do not indicate any change to the amino acids. Rather they denote the atoms which the bridging group connects the backbone with. Thus, the Examiner's objection is error and should be withdrawn.

Applicants reserve the right to pursue the subject matter
of the cancelled claims in future applications.

Respectfully submitted,

Date: 4/1/03


Allan A. Fanucci
Allan A. Fanucci (Reg. No. 30,256)

WINSTON & STRAWN
CUSTOMER NO. 28765

212) 294-3311